

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

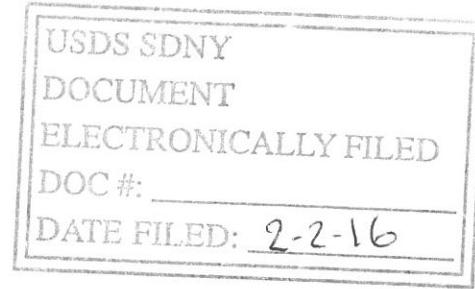
ABEL CHOLULA, *et al.*,

Plaintiffs,

-v-

34 MIDTOWN DELI, INC., *et al.*,

Defendants.



No. 15-cv-3208 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of a letter from Plaintiffs with a revised settlement agreement (the “Settlement”) that reflects the specific amounts each Plaintiff will receive (Doc. No. 32), as well as a letter from Defendants attaching a number of records attesting to Defendants’ financial situation. Although the financial documents are not entirely clear as to the current state of Defendants’ assets, they are consistent with the statements of the parties’ attorneys and of Magistrate Judge James L. Cott indicating that Defendants might ultimately be judgment proof even if Plaintiffs were to prevail on all claims at trial. Accordingly, for the reasons stated on the record at the fairness hearing held yesterday, the Court finds that the Settlement is fair and reasonable. *See Dorain Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015) (holding that FLSA settlements require either district court or Department of Labor approval).

IT IS HEREBY ORDERED THAT the Court grants final approval of the Settlement. The Court further finds that the request of Plaintiff’s counsel for attorneys’ fees and litigation costs and expenses in this action is fair and reasonable. Accordingly, IT IS FURTHER

ORDERED THAT Plaintiff's counsel is hereby awarded attorneys' fees and costs as set forth in the Settlement.

The Court shall retain exclusive and continuing jurisdiction over this action for the purposes of supervising the implementation, enforcement, construction, administration, and interpretation of the Settlement. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381 (1994). The Clerk of the Court is respectfully directed to close this case.

Dated: February 2, 2016
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE